

Remarks

Claims 1-26 are pending in the present application. Claims 1, 9, 15, and 21 are independent.

Embodiment of the Invention

The Applicant respectfully provides the Examiner with a summary of an embodiment of the present invention. Referring to Fig. 2, a flow chart illustrates a method for setting up a call. In step 210, a base station 14 may initiate the call set up processing in response to an access probe from a mobile unit 20. As shown in step 220, the base station 14 may use the pilot E_c/I_o measured at the mobile unit 20 and reported in the access probe as an interference measure, which may represent energy per chip to interference density, to set an initial power level in a forward link traffic channel. Next, in step 230, the base station 14 may compute a difference between the received E_c/I_o reported by the mobile unit 20 and a transmitted pilot E_c/I_o of the base station 14. This calculation may then be used by base station 14 to set the initial power levels of the forward link traffic channel as recited in step 240.

Rejection Under 35 U.S.C. § 103 (a)

Claims 1, 2, 4, 8, 9, 10, 15, 16, 21, and 22 stand rejected under 35 U.S.C. § 103 (a) as being anticipated by Chen in view of Nakano et al. Applicants respectfully traverse this art grounds of rejection.

Chen teaches a method and apparatus for providing closed loop power control in a wireless communication system. Referring to Figs. 1 and 5A and Col. 9, line 57 through

Col. 10, line 2, Chen discloses a communications system 10 with a base station 16a. The station 16a can monitor a power level of a received link signal to determine a quality of power control messages transmitted in the reverse link channel of the communications system 10. When the base station 16a determines that the power level of the reverse link signal falls below a predetermined threshold, then the base station 16a determines that the power control messages received over the reverse link channel are erroneous. As a result, the base station 16a determines that the quality of the reverse link channel is unacceptable. When the reverse link channel is determined to be unacceptable, the base station 16a will transmit a feedback control message to a mobile station 12 telling the mobile station to perform a feedback method shown step 210. In step 210, the mobile station 12 adjusts the reverse link signal that is fed to the base station 16a over the reverse link channel reducing the number of power control messages transmitted during each frame.

The Examiner asserts, on page 3 of the July 20, 2004 Office Action, that Chen teaches “a method for setting initial power levels between the mobile unit and the base station” where “the first power [is the power] of a [pilot] link signal received at mobile unit (see base station determines quality of reverse link in box 204 of Fig 5A and column 7 lines 50-56 and column 3 lines 11-19).” It is appears that the Examiner was incorrectly quoted claim 1 of the current invention. The Applicants have inserted the segments that were left out of the Examiner’s quotation of claim 1 in the brackets to prevent misinterpretation of claim 1 by the Examiner. It appears that the Examiner has stated that the reverse link signal of Chen is analogous to the “pilot signal” of claim 1. The Applicant respectfully traverses this analogy. One skilled in the art would define a

reverse link signal as a link from a mobile station to a base station. Chen monitors a power level of a **reverse link signal**; and thus, makes power measurements at the base station.. Chen does not disclose or suggest a method for calculating “an interference measure based on a first power, where the first power is the power of a **pilot signal**” or where “the first power is the power of the pilot signal **at the mobile unit**” as recited in claim 1.

Chen also teaches a method for setting the power of the forward link signal. Referring to Col. 6, lines 30-36, Chen teaches that a power control processor 34 monitors power control messages and provides a forward link transmitter system 36 with a forward link transmitter power signal. In response, the forward link transmitter system 36 will increase or decrease the power of the forward link signal. Chen does not disclose or suggest a method for calculating “an interference measure based on a first power, where the first power is the power of a pilot signal received at the mobile unit” as recited in claim 1.

A cursory review of Nakano reveals that the reference does not overcome the above noted disclosure and suggestion deficiencies of Chen with respect to claim 1. Therefore, Chen in view of Nakano cannot render Claim 1 obvious to one skilled in the art.

Independent claims 9, 15, and 21 include a similar limitation as claim 1; and therefore, are patentable at least for the reasons stated above with respect to claim 1.

Claims 2, 4, 8, 10, 16, and 22, dependent on claims 1, 9, 15, and 21 are patentable for the reasons stated above with respect to claims 1, 9, 15, and 21 as well as on their own merits.

Claims 3, 5, 6, 11, 12, 13, 17, 18, 19, 23, 24, and 25 stand rejected under 35 U.S.C § 103 (a) as being unpatentable over Chen in view of Nakano further in view of Love. Applicants respectfully traverse this art grounds of rejection.

For the reasons stated above, Chen in view of Nakano does not disclose all aspects of the claimed invention in claims 1. A cursory review Love reveals that the reference does not overcome the disclosure and suggestion deficiencies of Chen in view of Nakano with respect to claim 1. Claims 2, 5, 6, 11, 12, 13, 17, 18, 19, 23, 24, and 25 dependent upon claim 1, are patentable for the reasons stated above with respect to claim 1 as well as on their own merits.

Claims 7, 14, and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen in view of Nakano further in view of Meidan. Applicants respectfully traverse this art grounds of rejection.

For the reasons stated above, Chen in view of Nakano does not disclose or suggest all aspects of claim 1. Further, a cursory review Median reveals that Median does not overcome the disclosure and suggestion deficiencies of Chen with respect to claim 1. Claims 11, 12, 24-29, 32-34, and 40 are allowable due to their dependency on claims 1 as well as on their own merits.

Claim 20 stands rejected under 35 U.S.C § 103 (a) as being unpatentable over Chen and Nakono in view of Love and further in view of Median. Applicants respectfully traverse this art ground of rejection.

For the reasons stated above, Chen in view of Nakano does not disclose or suggest all aspects of claim 1. Further, a cursory review of Love, and Median reveals that these documents do not overcome the disclosure and suggestion deficiencies of Chen

with respect to claim 1. Claim 20 is allowable due to their dependency on claims 1 as well as on their own merits.

Applicant respectfully requests that the Examiner withdraw this art grounds of rejection.

CONCLUSION

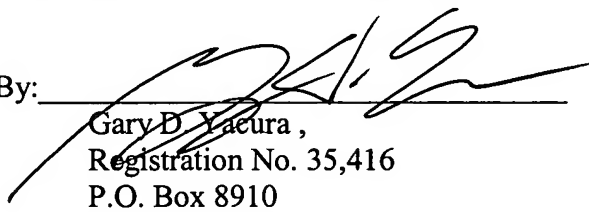
In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Gary Yacura at (703) 668-8023 in the Washington, D.C. area, to discuss the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. 1.16 or under 37 C.F.R. 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, P.L.C.

By: _____


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